

AM9-99-0239  
09/634,546

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Megiddo

Serial No.: 09/634,546

Group Art Unit: 3621

Filed: 8/8/2000

Examiner: David Q. Le

Title: *A System for Enhancing Buyers Performance in Electronic Commerce*

OFFICIAL

REQUEST FOR RECONSIDERATIONMS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant's representative would like to thank the examiner for the time spent discussing the claims and prior art applied to the claims of the present invention.

Independent claims 1, 12, 21, and 27 were rejected under 102(e) as anticipated by Gershman et al. (USP 6,199,099). To be properly rejected under 35 USC §102, each and every element of claims must be disclosed in a single cited reference. The applicant, however, contends (based upon the arguments presented during the interview of 01/15/04 and the arguments presented below) that the presently claimed invention cannot be anticipated in view of the '099 reference.

Gershman et al. provides for a system, method, and an article of manufacture for obtaining information on a mobile computing environment (such as a thin client computer). Based upon Gershman's invention, a wireless phone or similar hand-held device with Internet Protocol capability is combined with other peripherals to provide a portable portal into the

AM9-99-0239  
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Internet. Gershman describes a service routine (that is used in conjunction with the hand-held device) that queries the Web utilizing a distributed communications network to find price, shipping, and availability information from various Web suppliers. Any gathered information is then displayed in the hand-held device.

During the interview, applicant's representative presented the argument that the Gershman reference fails to disclose or even suggest an anonymous buyer profile representing a sophisticated buyer. Regarding independent claims 1 and 27, the examiner cites figures 12-4, column 32, line 7 – column 33, line 50 in support of his argument that Gershman provides for the “anonymous buyer profile” limitation. A close examination of the cited pages suggests that the Gershman reference provides multiple personas for each user. For example, a single user can maintain a “work persona” and a “home persona”. Figure 12-14 further shows how a user “David Smith” 1200 is able to maintain a work persona 1220, a home personal 1230 and a Tahoe persona 1240.

Applicant contends that the cited paragraphs and figures fail to disclose an anonymous buyer profile that is used multiple times to develop historical usage representing a sophisticated buyer. Applicant further contends that the cited paragraphs of the Gershman reference, in stark contrast, disclose a profile associated with a named (not anonymous) user, i.e., David Smith 1200. Hence, the profile of Gershman is user-specific. The anonymous buyer profile of the present invention on the other hand is built and developed by the system based upon historical usage, wherein, at a later point, various users are matched with appropriate buyer profiles (wherein the users are able to use appropriate profiles to purchase products anonymously). In

AM9-99-0239  
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other words, the anonymous buyer profile of the claimed invention is not associated with a particular user.

Furthermore, regarding claim 12, the examiner contends that the Gershman reference provides the limitation of "indicating to sellers when they are competitive, and influencing them to lower prices". In support of his arguments, the examiner cites column 57, lines 4-7 of the Gershman patent. A close examination of the cited paragraphs show that the Gershman patent merely teaches negotiating "prices and service options with retailers". In other words, the shopping agent of Gershman is able to negotiate prices on behalf of a user. In stark contrast, the present invention's system and method teaches the development of a sophisticated buyer profile which is then used to inform sellers of lower prices quoted by competitors and advises them regarding why they should consider lowering their prices (i.e., influencing them to lower prices).

Regarding claim 21, the examiner also contends that the figures 15-16 and column 33, line 51 – column 34, line 42 provides for the limitation of "generating/choosing one of a plurality of available fictitious names". A close reading of the cited pages indicates that the Gershman patent merely provides for a statistical agent that that keeps track of key statistics (frequency of login, frequency of rating of content such as news articles, and activity of agents). Applicant contends that the Gershman patent fails to teach the generation of fictitious names as there is no explicit or implicit mention in the cited pages regarding such a limitation.

It should be noted that the above-mentioned arguments regarding independent claims 1, 12, 21, and 27 equally apply to their corresponding dependent claims in at least that they inherit the limitations of the claim from which they depend.

Page 3 of 4

AM9-99-0239  
09/634,546

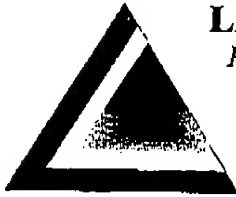
As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

If it is felt that an additional interview would expedite prosecution of this application, please do not hesitate to contact applicant's representative at the below number.

Respectfully submitted,

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Name: Examiner David Q. Le  
Company: USPTO Group Art Unit 3621  
Phone No: 703-305-4567  
Fax No: 703-872-9306

FROM: Ramraj Soundararajan

SERIAL NO: 09/634,546

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IN RE APPL. OF: Megiddo

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TOTAL CHARGES: \$0.00